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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 30th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 13 April 1999, at 3 p.m.

Chairperson: Ms. ANDERSON (Ireland)

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The meeting was called to order at 3 p.m.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

(a) VIOLENCE AGAINST WOMEN (agenda item 12) (continued)

(E/CN.4/1999/66, 67 and Add.1 and 68 and Add.1-4; E/CN.4/1999/NGO/8, 27, 41, 44 and 71; A/53/354 and 409; E/CN.6/1999/2)

1. Ms. COOMARASWAMY (Special Rapporteur on violence against women, its causes and consequences) said that a case raising the issue of wife battery as a human rights violation, referred to in her report (E/CN.4/1999/68/Add.1, paras. 38-41) had for the first time been brought before an international tribunal, the Inter-American Commission on Human Rights. The importance of domestic violence against women as a human rights violation was thus underscored. Her report (E/CN.4/1999/68 and Add.1-4) contained summaries of the replies sent by Governments and non-governmental organizations (NGOs) to her question regarding measures adopted since 1994 to deal with domestic violence in their countries. The response had been gratifying: most countries, regardless of religion or ideology, had recognized the importance of the issue. Fewer countries, however, had systematically gathered statistics or introduced training for law enforcers. Nor had proper resources been allocated. Unless that situation improved, the campaign against domestic violence would be in vain.

2. She had been much concerned by the proliferation of "honour crimes" in Turkey, the Middle East and South Asia. Only the previous week, in the law offices of Mrs. Jahangir, the Special Rapporteur on extrajudicial, summary or arbitrary executions, a client who had sought a divorce from a violent husband had been shot in the head; and the Special Rapporteur herself was in need of protection. In honour crimes, the male members of a family killed a female relative perceived by them to have defiled the family honour. The murder was often committed by an adolescent boy because he would receive a lighter sentence. In that way, however, boys were socialized into sanctioning violence against women in certain contexts. International remedial action was needed.

3. During her visit to the United States, she had been given open access everywhere except in the State of Michigan. All other State governments had been cooperative although she had been denied access to the high-security sections of some prisons in California. Prison regimes varied from State to State. She had encountered human rights violations but also programmes that constituted best practices, especially in the State of Minnesota. In other States, she had been concerned about the issue of sexual misconduct resulting from male guards having access to the housing units of women prisoners and about the use of restraints such as leg-irons and four-point restraints, which did not conform to the Standard Minimum Rules for the Treatment of Prisoners.

4. Regarding her visit to Indonesia, she expressed her appreciation of the full access given by the Government particularly because, prior to May 1998, United Nations human rights mechanisms had not been welcome in that country. She had had access to Government officials, police and military leaders, NGOs and victims from all over Indonesia. There had recently been a major change

in the Government's human rights policies and practices. Before May 1998, however, sexual violence had been used as a means of intimidation and torture in East Timor, Aceh and Irian Jaya and the riots in that month had resulted in considerable sexual violence against ethnic women.

5. Her proposed visit to Afghanistan had been postponed for security reasons.

6. Another breakthrough in a momentous year had been the first ever conviction for sexual violence against women during armed conflict, by the International Tribunal for Rwanda. Moreover, the Commission on the Status of Women had adopted the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, allowing individuals to petition the Committee on the Elimination of Discrimination against Women (CEDAW) concerning violations of their rights. She urged all States to ratify that Optional Protocol.

7. The Commission's decision to place violence against women on its agenda had galvanized millions of women around the world. Wherever she went, there was gratitude to the United Nations for its commitment to human rights. It was regrettable, however, that their expectations could not always be met because of the lack of resources.

8. Ms. SCHÖPP-SCHILLING (Vice-Chairperson, Committee on the Elimination of Discrimination against Women) said that it was gratifying to observe the steady increase in the number of States - 163 - which had ratified or acceded to the Convention on the Elimination of All Forms of Discrimination against Women. She urged the remaining States that had attended the Fourth World Conference on Women to ratify the Convention without delay.

9. Although the Convention continued to be subject to many reservations, some progress had been achieved: some States had withdrawn or, at least, limited their reservations. The issue of reservations, however, especially when they were directed at the core of the Convention, remained of great concern to her Committee.

10. The Committee had adopted a general recommendation on women and health. It had also deepened its relationships with the specialized agencies of the United Nations system, which were regularly invited to submit information. International and national NGOs also participated. In addition, the Committee's procedure had been changed to give States parties more time to prepare written responses to its questions.

11. The Optional Protocol, adopted by consensus in March 1999 by the Commission on the Status of Women, established two procedures: one allowing communications to be submitted by or on behalf of individuals and one allowing the Committee to initiate an inquiry into reported violations by a State party of the rights contained in the Convention. No reservations to the Protocol were permissible, although a State might opt out of the inquiry procedure. She drew particular attention to articles 11 and 13.

12. She welcomed the fact that a meeting had been held between the Committee and the Special Rapporteur on violence against women, its causes and consequences, and looked forward to similar cooperative relationships with other human rights mechanisms.

13. Ms. ECKEY (Norway) said that there was theoretically no need to address women's rights specifically - the major human rights instruments were all-embracing - but, in practice, women's rights still needed special priority. Women's opportunities all over the world were more limited than men's and there was a systematic difference in the way women and men were protected in various societies.

14. Crimes of sexual violence had become a method of warfare and were a pervasive feature of ethnic cleansing. Her Government had therefore supported the adoption of the Statute of the International Criminal Court, under which the perpetrators of gender-related crimes could be held accountable. She welcomed the adoption by the Commission on the Status of Women of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, it would strengthen the promotion and protection of the human rights of women. It was regrettable that there had not been universal ratification of the Convention and that so many reservations existed thereto. Such reservations could not, however, modify the treaty and vague references to domestic legislation did not preclude its entry into force in its entirety.

15. Several issues related specifically to the human rights of women. First, no effective way had yet been found of combating the disturbing increase in the trafficking in women, which was not a commercial activity but a violent one. Secondly, domestic violence, which was usually men's violence to women, was regarded in many societies as a private matter. Thirdly, women had a right to health services on a par with men. Women's and girls' levels of illiteracy and nutrition, HIV/AIDS infection and maternal mortality rates were clear signs of persisting sex discrimination.

16. Mrs. ARES (Chile) said that, in 1992, her Government had established the national programme for the prevention of domestic violence, and, in 1994, an Act had been passed making domestic violence a criminal offence. In 1997/98, the programme had provided technical assistance to 19 municipal shelters, 111 care programmes for victims and 164 institutional support networks.

17. A new law would shortly be enacted on sexual offences, eliminating provisions that might be considered discriminatory against women and increasing penalties for such crimes. Other legal initiatives to improve the situation of women included an Act of 1994 which established new rules on inheritance and legal equality between husband and wife. Important changes had been made to the Labour Code to avoid discrimination against working women. Equal responsibility for the children had been laid on both parents. It was also proposed to abolish pregnancy tests when women were being hired.

18. Measures in the educational field included the incorporation of an equal opportunities perspective at every level. A programme for the prevention of teenage pregnancies and discussions on relationships and sexuality had been

organized. Full details would be contained in her Government's second and third periodic reports to the Committee on the Elimination of Discrimination against Women.

19. Her delegation was sponsoring with that of Canada a draft resolution on gender mainstreaming in the United Nations system, since it believed that international cooperation was crucial in eliminating discrimination against women. Unfortunately, despite the general progress, violations of women's human rights and fundamental freedoms still persisted in some regions and she hoped that, before very long, low levels of economic development or cultural factors would cease to be used as excuses for restricting human rights in general and those of women in particular.

20. Ms. GAER (United States of America) said that the international community must shift from neglecting women's rights to mainstreaming them. Instruments of accountability and effective domestic remedies must be established. The human rights of women were beginning to pervade the Commission's agenda. The "honour killings", for example, mentioned by previous speakers, were criminal acts, not to be sanctified by culture or religion, and as such were the legitimate concern of the human rights community. Her delegation deplored the reports of the recent death threat against the Special Rapporteur on extrajudicial, summary or arbitrary executions and urged all Governments to condemn such threats and ensure her safety.

21. The situation in Afghanistan, where women were publicly beaten for failing to wear a burka or not being accompanied by a close male relative and where they were hindered from working or attending school, contrasted with the progress in other countries. Côte d'Ivoire and Togo had passed statutes banning the practice of female genital mutilation. Turkey had made spousal abuse illegal. Uganda and Malawi had granted women property and inheritance rights. The women of Nigeria had won a long battle to give widows the right to inherit property.

22. Numerous challenges remained however. Women in Saudi Arabia continued to face institutionalized discrimination; in Algeria, militants continued to target women; in China, there were still instances of forced abortion and sterilization. Throughout South Asia, dowry-related violence remained a serious problem.

23. Her own country had made an enormous contribution to global initiacives promoting women's rights, in the belief that no country could succeed if half its citizens were excluded from full participation in national life. One of the most widespread and pernicious issues of concern to her delegation was violence against women in the home. No country was immune; but her country had made substantial efforts to combat such violence. It had quadrupled its funding to shelters over the past few years and established a nationwide 24-hour domestic violence hotline. More than US$ 283 million was being devoted to combating gender-based crime.

24. Her Government would respond in the near future to the report by the Special Rapporteur on violence against women, its causes and consequences, on her mission to the United States (E/CN.4/1999/68/Add.2). Some of the examples

she cited related to cases already investigated by the Department of Justice or in which the problems had already been corrected. Thus, the Civil Rights Division had increased its investigations of sexual misconduct in prisons and further sanctions, training and complaints mechanisms had been established. She noted that the Special Rapporteur had praised several model programmes.

25. Her Government welcomed outside investigation - whether by United Nations special rapporteurs or by NGOs - and urged other countries to do so also. Special rapporteurs should, however, focus their attention on countries where the situation was the most dire. Human rights abuses sometimes occurred in her country, but it had an open system in which problems were readily exposed. It was a nation of laws and its people, NGOs and Government were vigilant.

26. Ms. KUNADI (India) said that there was no contradiction between the Commission having a separate agenda item on women's rights and efforts to mainstream the gender perspective. Violations of women's human rights continue to be widespread, and the international community must bridge the gap between established standards and the effective enjoyment by women of their rights.

27. The principle of gender equality was firmly established in the Indian Constitution, and women's rights were promoted and protected by the National Commission for Women, the National Human Rights Commission and the Standing Committee of Parliament on the Empowerment of Women. Since gender equality could not be achieved by society's normal development, her Government had adopted strategies to speed up the transformation. One third of all seats in elected grass-roots institutions had been reserved for women, and efforts were being made to do the same at the various levels of government.

28. The National Commission for Women had raised public awareness of violence against women and anti-dowry legislation had been strengthened. Prenatal sex-determination tests had been banned to prevent the abortion of female foetuses and guidelines had been formulated to prevent sexual harassment in the workplace.

29. She welcomed the recent adoption by the Commission on the Status of Women of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women and expressed her appreciation to the Special Rapporteur on violence against women for the introduction to her report.

30. Ms. QI Xiaoxia (China) said that, despite the many achievements of the United Nations in effecting positive changes in the lives of women, difficulties still persisted: poverty among women and violence against women were increasing and women were still subjected to political and economic discrimination. Governments must therefore strengthen legislation to guarantee women's rights and create conditions for the enjoyment of those rights, particularly the rights to employment and education.

31. Education on women's rights must also be strengthened so that old prejudices could be eliminated. Economic development efforts must seek to

alleviate female poverty, since poverty was a major barrier to the achievement of equality and undermined women's capacity to enjoy all other human rights.

32. At the international level, cooperation in dealing with women's issues should be strengthened through exchange of experience. Transboundary cooperation was essential in tackling problems such as the sale of women and forced prostitution, with developing countries in particular need of technical support and assistance. The international community should also promote universal adherence to the Convention on the Elimination of All Forms of Discrimination Against Women and ensure its effective implementation.

33. Mr. CHELIA (Argentina), having endorsed the recommendations in the report of the Secretary-General on the question of integrating the human rights of women throughout the United Nations system (E/CN.4/1999/67) and commended the Special Rapporteur on violence against women for her report (E/CN.4/1999/68 and Add.1-4), said that equality could not be achieved simply by treating women and men identically or by implementing measures to protect women. The new definition of equality must reflect women's ideas, interests and needs. The adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women and the incorporation of the gender perspective in the work of the Commission were positive developments, as was the specific reference in the Statute of the International Criminal Court to criminal offences against women.

34. The adoption of policies to mainstream the gender perspective in the United Nations system's activities required cooperation and coordination between the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights to develop a programme of work that would avoid duplication of efforts while involving all bodies and organizations within the system.

35. In response to the Beijing Platform for Action, his Government had chosen to pursue the policy to eliminate all forms of discrimination that was based on the country's fundamental instruments and national legislation. As a result of the 1994 constitutional reform, a series of international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, had been given constitutional rank. Argentina had also ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

36. Violence was one of the most flagrant violations of women's rights, and domestic violence was a source of widespread concern in Argentina. A law passed in 1994 allowed victims to file complaints of physical or psychological ill-treatment, and training and assistance centres had been set up to provide guidance in dealing with the problem. The National Council for Minors and the Family intended to compile a record of complaints, while the Ministry of Justice was establishing an interdisciplinary body of professionals trained in family violence which would provide the necessary technical support to enable judges to evaluate high-risk situations and identify preventive measures. The National Women's Council had also developed a programme to deal with violence against women in collaboration with the United Nations Childrens Fund (UNICEF).

37. Since the World Conference on Human Rights, the problem of trafficking in women and children had been widely discussed and he welcomed the decision by the Commission on Crime Prevention and Criminal Justice to consider the question of international cooperation to combat transnational crime.

38. Mr. NENE (South Africa) said he welcomed the inclusion of women's rights as a separate item in the Commission's agenda. Respect for and promotion of women's rights must be intensified, with adequate resources provided at the national, regional and international levels to ensure a more integrated approach.

39. In South Africa, the Government and civil society had joined forces to raise the level of awareness of gender issues, a process that had culminated in the adoption of a programme of action to address instances of discrimination, sexual abuse and economic inequality. A national gender audit was being conducted to develop a profile of women's position in all spheres of national life, with a view to identifying areas that required urgent attention.

40. When the Committee on the Elimination of Discrimination against Women (CEDAW) had considered South Africa's initial periodic report in June 1998, it had expressed concern at the high rate of violence against women in South Africa, particularly rape. Consequently, his Government had launched a public campaign to prevent violence against women and had passed legislation to combat such violence, bring the perpetrators to justice and provide assistance to victims. Legislation dealing specifically with domestic violence had also been enacted.

41. A national Commission on Gender Equality had been established to transform gender relations in civil society through education and public advocacy. The South African Human Rights Commission had also developed a national action plan for the promotion and protection of human rights, gender focal points were being established in all Government departments and the Public Service Commission had developed an affirmative action programme.

42. Women were well represented in Parliament, in higher education and in the diplomatic corps. The Government and several NGOs were also providing assistance to develop women's managerial and entrepreneurial skills.

43. He welcomed United Nations efforts to integrate the gender perspective in human rights activities and the forthcoming five-year review of the Beijing Declaration and Platform for Action. His delegation supported the work of the Special Rapporteur on violence against women and called upon States to implement the recommendations contained in her report.

44. Ms. TIRONA (Philippines) welcomed the agreed conclusions adopted by the Commission on the Status of Women at its forty-second session and called on States to implement them. Her delegation was committed to the Vienna Declaration and Programme of Action, particularly as they applied to the rights of women and girls, and supported the call for mainstreaming of the gender perspective in the activities of the United Nations system. She commended the efforts made to that end by the Office of the High Commissioner for Human Rights and the Division for the Advancement of Women and noted with

satisfaction that the gender perspective was reflected in the Statute of the International Criminal Court and in the reporting mechanisms of the treaty bodies.

45. The institutional mechanisms which her Government had established after the Fourth World Conference on Women ensured that attention remained focused on women's issues. Guided by the Constitution's recognition of women's equality, the previous administration had developed a national plan for women to implement the commitments undertaken at the Conference and had approved a long-term plan to ensure women's advancement up to and including the year 2025. Under the plan, government agencies were required to reserve at least 5 per cent of their budget for women's activities.

46. She welcomed the efforts being made to address the problem of trafficking in women and girls. While the primary responsibility for eliminating that evil rested with individual Governments, a global programme with the active cooperation of all Governments was also needed. Despite many efforts to combat sexual violence and trafficking, those phenomena persisted, and her delegation intended to work for the adoption of a draft resolution on the subject. Her delegation had initiated a process for addressing that problem within the International Organization on Migration (IOM) and planned to host a regional centre to combat transnational organized crime, including trafficking in women.

47. She welcomed the report of the Secretary-General on mainstreaming (E/CN.4/1999/67) and urged all agencies to intensify their efforts to integrate women's equality and human rights into the activities of the United Nations system. Her delegation supported those efforts and intended to work for the successful implementation of the joint work plan prepared by the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights.

48. Mrs. PÉREZ DUARTE Y NOROÑA (Mexico) said that, recognizing the fact that women played a leading role in the promotion of socio-economic development, the transmission of national values and the consolidation of democracy, her Government had launched a National Women's Programme which sought to facilitate the emergence of a culture of different but equal respect for the differences. The programme had met with success in all areas of activity, including the area of violence against women, particularly domestic violence.

49. Violence prevented women's full enjoyment of other human rights and fundamental freedoms as well as the achievement of equality, development and peace. The phenomenon, which had cultural and structural roots, was frequently tolerated or hidden, which was why her Government was convinced of the need for an awareness-building effort to reaffirm women's dignity and inform them of their rights. Violence in the home was particularly serious since the home was the space in which families were supposed to find solace and teach children about equality and democracy. The National Women's Programme focused efforts in that area on legislation, training and programme activities. Domestic violence had been classified as a punishable offence in the Federal District, and other states were reviewing their legislation in the matter.

50. In the area of training, UNICEF and the United Nations Development Fund for Women (UNIFEM) had helped to organize courses to familiarize officials of ministries of justice and the judiciary with methods of implementing international legislation where there were gaps in the domestic legislation. A National Programme against Domestic Violence had recently been established to help NGOs eliminate that phenomenon and assist persons affected by it.

51. Mr. CHOWDHURY (Bangladesh) said that, although much had been done over the years to enhance the status of women, their total emancipation still appeared quite far-off. The problem lay essentially in society's attitude towards them. Efforts to address their development therefore had to begin by dispelling such fallacies through education and the media. Laws had to be reformed in order to bring about gender parity. There was also an urgent need to address the issue of violence against women, particularly in the home. In South Asia, a regional convention was being drawn up on combating trafficking in women and children.

52. In a traditional society like his own, the main challenge for the Government was to motivate society towards positive change. Effective utilization of the mass media, educational curricula and the advocacy role of NGOs had already brought about some important changes. The National Council for Women's Development was responsible for formulating policies to remove legal, economic, political and cultural barriers to the equality of women. The Ministry of Women's Affairs was responsible for inter-ministerial coordination of policies and programmes, and the National Action Plan had adopted a multi-sectoral approach to the development of women.

53. The main focus of all those efforts had been on the empowerment of women, reducing imbalances in education and employment opportunities and providing financial assistance for the self-employment of women.

54. His Government had set up a committee to review laws so as to redress imbalances against women. The legal aid system catered to the needs of poor women and there were stringent laws against cruelty against women. Nevertheless, while legal reform set the guidelines, active enforcement was required.

55. The severe economic restraints prevailing in many developing countries frustrated efforts to improve the conditions of women who tended to suffer disproportionately from globalization and structural adjustment policies. If national government efforts were to succeed, there was need for sustained action at the international level. The United Nations must continue to assist its Member States in their capacity-building to protect the rights of women.

56. Mrs. AHMED (Sudan) said that women enjoyed a prominent place in Sudanese life, having equal political rights, equal rights in the labour market, and equal opportunities generally. Women had served as ministers at the federal, State and provincial levels, as ambassadors, as members of Parliament, as governors and as judges in the High Court. They also engaged in business. According to the 1993 census, they constituted 26.5 per cent of the labour force, a percentage that had since increased. Her Government had established a number of centres to promote the development of women at various levels.

The number of NGOs working in the Sudan to eliminate illiteracy in women, alleviate poverty and improve the situation of children, had increased.

57. Despite the progress that had been made, there were still obstacles. Sudan did not receive sufficient external assistance and lacked the necessary infrastructure, especially in areas of the country affected by war, where there was population displacement and homelessness. Her delegation appealed to the international community to make greater efforts to impress upon all parties to the conflict that they should respond to the Government's appeal for a ceasefire. The bombing of a pharmaceuticals factory by the United States of America had caused further suffering to Sudanese women because vaccines were not easily available. Such unjustified use of force against a civilian objective was a clear violation of international law and of the principles of human rights.

58. She wished to emphasize that questions concerning the status of women varied and had to be dealt with differently from one society to another, from one culture to another and from one set of beliefs to another. The Beijing Conference had been the first step towards upgrading the role of women and her delegation was looking forward to the forthcoming special session of the General Assembly to review the results of that Conference.

59. Mr. HASHMI (Pakistan) said that women continued to be subjected to violence and discrimination in all parts of the world. Violence against them was particularly serious in situations of armed conflict such as in Kosovo and in Indian-occupied Jammu and Kashmir. Rape, the ultimate form of violence against women, was used not only to punish the victims but also to punish the male members of a family who were often forced to be witnesses. His Government welcomed the inclusion of crimes of sexual violence against women in the Statute of the International Criminal Court and hoped that the international community would ensure that the perpetrators of such heinous crimes were brought to justice.

60. His Government recognized the rights of women as an integral part of universal human rights and sincerely believed that, without the full and equal participation of women in the development process, it would be difficult to realize the true objective of economic and social development. It had therefore established a Ministry of Women and Development to promote policies for the advancement of women which had established committees to assist women with their legal rights and legal aid; Pakistan's initial report under the Convention on the Elimination of All Forms of Discrimination against Women was almost ready for submission to the appropriate Committee and his Government had withdrawn its reservations to the Convention on the Rights of the Child.

61. Some of the recommendations of a judicial committee established to review laws discriminating against women had already been implemented and others were under active consideration; the education curriculum had been revised to eliminate cultural prejudice against women; a nationwide educational campaign on violence against women had been launched; severe penalties had been introduced for kidnapping, abducting and raping women; special police stations for women had been established and the detention of

women after sunset in ordinary police stations prohibited; and the Government had decided to give preference to female candidates in recruitment under phase II of the country's social action programme.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 9) (continued) (E/CN.4/1999/L.3/Rev.1)

Draft resolution on the situation of human rights in Kosovo (E/CN.4/1999/L.3/Rev.1)

62. Mr. AKRAM (Pakistan), introducing the draft resolution on behalf of the States Members of the United Nations that were members of the Organization of the Islamic Conference (OIC) and of Australia, Austria, Canada, Germany, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, the United States of America and the United Kingdom, said that the delegations of France, Ireland, Latvia, Poland and Romania and the observers for Belgium, Bulgaria, Denmark, Estonia, Finland, Greece, Hungary, Liechtenstein, Lithuania, Portugal and Slovenia had become sponsors of the draft resolution.

63. The draft resolution expressed the shock and indignation of the international community at the continuing Serbian policies of ethnic cleansing in Kosovo and at the gruesome incidents recounted by the refugees or witnessed by the entire world on television. It offered an opportunity for the United Nations to take action and establish a political framework for responding to the Kosovo crisis and contributing to its solution. The framework in question was similar to that outlined by the Secretary-General. The Kosovo crisis was a test of the Commission's ability to respond to tragedies as and when they occurred; it was thus essential for the Commission to pronounce upon the crisis and to condemn it immediately and effectively. Adoption of the resclution would send a clear message to all State violators of human rights that such behaviour would not be tolerated. The sponsors hoped that there would be an overwhelming vote to that effect.

64. Paragraph 6 of the draft resolution had been revised: after the words "internally displaced" at the end of the paragraph, the words: "and in this context commends the efforts being made by the United Nations High Commissioner for Refugees" should be added.

65. Ms. IZE-CHARRIN (Office of the High Commissioner for Human Rights) announced that the delegation of the Czech Republic had become a sponsor of the draft resolution.

66. Mr. SIDOROV (Russian Federation), speaking in explanation of vote before the voting, said that his delegation had, on a number of previous occasions during the session, expressed its serious concern at the tragic events occurring in Yugoslavia, including Kosovo. It had no doubt that the Commission must have its say and provide a comprehensive, objective and realistic assessment of the situation. It had always advocated the restoration by peaceful political means of the autonomy of Kosovo in the

context of the territorial integrity of the Federal Republic of Yugoslavia and the immediate suppression of terrorism and its support from abroad; and unreservedly condemned all violations of human rights in the region, particularly the right to life, by whomsoever they were committed. His delegation supported the demand that those guilty of committing gross violations of human rights and of the standards of international humanitarian law be called to account. It was convinced that it was necessary to prevent a further massive exodus of refugees from the territory of the Federal Republic of Yugoslavia and to create the conditions for their return, their reintegration and the securing of their rights irrespective of their national and religious affiliation. It was in favour of the rights of all nationalities and ethnic groups being guaranteed in a united Federal Republic of Yugoslavia.

67. Unfortunately, the draft resolution under consideration would certainly not contribute to the solution of any one of those problems. Firstly, it contained no reference at all to the main cause of the current crisis, namely, the continuing aggression by the North Atlantic Treaty Organization (NATO) against a sovereign State. It was clear that an ethnic conflict was not susceptible of military solutions. The only path to take was to put an immediate halt to the NATO bombing of Yugoslavia and to renew negotiations on the whole range of problems which had been interrupted as a result of military action. His Government, for its part, was doing everything it could to bring about precisely such a political scenario, which would genuinely help to promote human rights and improve the humanitarian situation.

68. The draft resolution was a classic example of a one-sided anti-Serb approach. It contained not a word of condemnation of the so-called Kosovo Liberation Army (KLA), a separatist organization that used terrorist methods to achieve its aims. It was no coincidence that almost all the States members of NATO had sponsored the draft resolution. If adopted, it would be used as a propaganda instrument to justify further bombing of Yugoslavia. The injunction to the Yugoslav authorities to sign a document drafted without their involvement was indefensible and the provisions with a separatist tenor were also inappropriate. His delegation intended to vote against the draft resolution and requested that the vote be taken by roll-call.

69. Mr. DE ICAZA (Mexico) said that the flouting of individual, family and community rights was even more abhorrent when motivated by religious or ethnic animosity. His Government was greatly alarmed by the reports of ethnic cleansing in Kosovo. Priority should always be given in conflict resolution, however, to the search for a peaceful solution based on respect for human rights, the pre-eminence of international law and fair negotiations and agreements. Although his delegation would vote in favour of the draft resolution, it would have preferred a more balanced text. The draft resolution failed to mention that, under the Charter of the United Nations, the Security Council was the body responsible for international peace and security and it contained no reference to the important principle of territorial integrity. His delegation shared the position adopted by the Movement of Non-Aligned Countries on 9 April 1999 and supported the efforts of the Secretary-General of the United Nations to resolve the conflict and those

of the High Commissioner for Human Rights and the High Commissioner for Refugees to respond to the humanitarian tragedy affecting the people of Kosovo.

70. Mr. PÉREZ DEL CASTILLO (Uruguay) said his delegation would vote for the draft resolution because of its condemnation of human rights violations in Kosovo. Endorsing the remarks made by the previous speaker, he stressed that the Security Council was the only body that could legitimately decide in what circumstances coercive measures were justified. The draft resolution should have called for an end to military confrontation and a peaceful solution to the conflict in the Balkan region based on respect for international law and human rights.

71. Mr. PLOROTTI (Argentina) said that his delegation would vote in favour of the draft resolution. However, he felt that the sixth preambular paragraph should have been drafted in such a way as to reflect clearly the principles that had informed the negotiations at Rambouillet, namely, fully respect for the human rights of the people of Kosovo, autonomy for the province and respect for the territorial integrity of Yugoslavia. His delegation's position was based on the Charter of the United Nations and the Security Council resolutions on Kosovo. The content of paragraph 4 fell clearly outside the Commission's mandate.

72. Mr. CHÁVEZ (Peru) said his delegation would vote for the draft resolution because of its humanitarian content. Endorsing the remarks made by the representative of Mexico, he stressed the urgent need to protect the human rights of all civilians affected by the conflict and called for an immediate end to hostilities and the search for a peaceful and lasting solution to the conflict through dialogue.

73. Mr. BAICHOO (Mauritius) said that, although his delegation would vote for the draft resolution, it felt that it contained some paragraphs that were inconsistent with the principles of the Charter. His Government favoured a peaceful solution that respected the territorial integrity of Yugoslavia and met the aspirations of the people of Kosovo for greater autonomy in the conduct of their internal affairs. Such a solution could only be political.

74. Mr. ILLANES (Chile) said his delegation would vote in favour of the draft resolution because it reflected the intense concern of the international community about the increasingly serious human rights situation in Kosovo. He endorsed the remarks by the representative of Mexico concerning the Security Council and the approach adopted in the communiqué of the Rio Group of 25 March 1999 and the statement by the Movement of Non-Aligned Countries of 9 April 1999.

75. Mr. RODRÍGUEZ CEDEÑO (Venezuela) said his delegation would vote for the draft resolution, because it shared the concern of the international community about the human rights situation in Kosovo. It was convinced, however, that political mechanisms were the most effective and least traumatic means of addressing international crises. Articles 53 and 54 of the Charter clearly stipulated that the Security Council should authorize and be kept fully informed of military activities undertaken by regional agencies. The draft resolution also failed to mention the important principle of territorial

integrity. He welcomed the action being taken by the Secretary-General, the High Commissioner for Human Rights and the High Commissioner for Refugees.

76. Mr. REYES RODRÍGUEZ (Colombia) said his delegation would vote in favour of the draft resolution and joined in condemning all human rights violations in Kosovo. However, it endorsed the reservations expressed by the representative of Mexico and a number of other speakers.

77. Ms. KUNADI (India) expressed serious concern about reports of massive human rights violations, including ethnic cleansing, mass displacement and forced expulsion, in the Kosovo region of Yugoslavia. She condemned all such violations and called on the Government of Yugoslavia to protect the human rights of all segments of the population of Kosovo.

78. However, her delegation was unable to accept the draft resolution, which had been sponsored by the States members of NATO and of the OIC. It was regrettable that no open consultations had been held on the text, which reflected its main sponsors' concerns and objectives, and deplored the lack of transparency on such an important matter. The most glaring omission in the one-sided draft resolution was its failure to call for an end to NATO military action, which had exacerbated the human rights and humanitarian situation. Human rights concerns were being exploited to legitimize NATO military objectives in Yugoslavia. Under international law, no sovereign State could be obliged to accept an agreement against its will or to cede sovereign functions to external powers, especially in the face of unilateral military action that ignored the provisions of the Charter.

79. Respect for international law by all States, irrespective of their political, military or economic power, was an essential ingredient of a rule-based international system. Unilateral action in contravention of the Charter, including the massive use of force, interference in internal affairs and wanton disrespect for the territorial integrity and sovereignty of States would inevitably have an adverse impact on international cooperation for the promotion and protection of human rights. In that connection, she drew attention to the statement issued by the Movement of Non-Aligned Countries on 9 April 1999.

80. Mr. PALIHAKKARA (Sri Lanka) said that his delegation would vote in favour of the draft resolution because of the grave humanitarian situation, particularly the abhorrent practice of ethnic cleansing, in Kosovo. However, it agreed with the reservations expressed by a number of previous speakers. In particular, it would have preferred a different wording for the sixth preambular paragraph and for paragraph 4. He endorsed the statement by the Movement of Non-Aligned Countries adopted on 9 April 1999.

81. Mr. GALLEGOS CHIRIBOGA (Ecuador) said his delegation would vote in favour of the draft resolution, which reflected the concern of the international community about the serious human rights and humanitarian situation in Kosovo. However, it endorsed the reservations expressed by the other Latin American members of the Commission and drew attention to the Rio Group communiqué and the statement by the Movement of Non-Aligned Countries on the subject.

82. Mr. PADILLA (Guatemala) said he would vote in favour of the draft resolution but associated himself with the remarks made by the representatives of other Latin American countries and with the communiqué of the Rio Group.

83. At the request of the representative of the Russian Federation, a vote was taken by roll-call on the draft resolution.

84. Sudan, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Argentina, Austria, Bangladesh, Bhutan, Botswana, Canada, Cape Verde, Chile, Colombia, Czech Republic, Democratic Republic of the Congo, Ecuador, El Salvador, France, Germany, Guatemala, Indonesia, Ireland, Italy, Japan, Latvia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Norway, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Romania, Rwanda, Senegal, Sri Lanka, Sudan, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Russian Federation.

Abstaining: China, Congo, Cuba, India, Nepal, South Africa.

85. The draft decision was adopted by 44 votes to 1, with 6 abstentions.

86. Mr. AMAT FORES (Cuba) said his delegation had abstained because the resolution just adopted failed to adopt a balanced approach to the conflict in Yugoslavia. Moreover, it addressed the human rights situation in a single region and not in the whole territory of a sovereign State. From the very beginning of the current crisis, Cuba had pursued a principled policy and vigorously condemned the aggression. The bombing of Yugoslavia had immediately exacerbated the situation in Kosovo and resulted in the exodus of hundreds of thousands of refugees. Millions of civilians in Serbia, including Kosovo, and in Montenegro were being terrorized by explosions, destruction and conflagrations and the inevitable loss of civilian and military life that such bombing entailed.

87. The international community should act to halt the unjustified NATO aggression, which violated the principles of the Charter and international law, to prevent further loss of life and to allow the Yugoslav authorities to resume peaceful negotiations aimed at solving internal problems that depended solely on the exercise of their sovereign will. The attempt to impose solutions to humanitarian and human rights problems by force was incompatible with civilized thinking and the basic principles of international law.

88. All possible assistance must be extended to the innocent victims, regardless of their nationality, ethnic origin or religion, both within and outside Yugoslavia. Cuba wholeheartedly supported all humanitarian action and would cooperate to the extent that its resources permitted. Cuba also strongly supported the search for a reasonable and just solution to the conflict that took account of the rights and dignity of all ethnic groups.

peoples and religions. The war must stop before even greater disasters ensued. It was regrettable that the resolution had failed to reflect that dimension of the conflict and that it had not been possible to find a compromise formula.

89. Mr. WANG Min (China) said he was concerned about the situation in Kosovo and felt deep sympathy for the plight of the refugees. However, the Kosovo issue was an internal affair of Yugoslavia and the conflict must be resolved through political dialogue on the basis of respect for its sovereignty and territorial integrity while safeguarding the interests of all ethnic groups. It was only after NATO military action in disregard of the functions of the Security Council and in contravention of the basic principles governing international relations that the massive exodus of refugees had occurred. China had never favoured the practice in the Commission of adopting resolutions on individual countries, not to mention specific parts of the territory of a sovereign State. It had therefore had no choice but to abstain from voting on the resolution just adopted.

90. Mr. NENE (South Africa) said that the resolution just adopted was unbalanced and did not reflect the situation on the ground. It was unfortunate that its main sponsors had failed to undertake adequate consultations on such an important issue. His delegation had abstained because the NATO military response to the crisis had exacerbated the situation in the region. It deplored the practice of ethnic cleansing and forcible expulsion and strongly supported the decision by the High Commissioner for Human Rights to send human rights monitors to assess the situation and report to the Commission.

91. He joined previous speakers in stressing that the Security Council was the body responsible for maintaining international peace and security and welcomed the Secretary-General's mediation initiative. He called for the cessation of hostilities by all parties involved and urged the Yugoslav Government to abide by the relevant Security Council resolutions and return to the negotiating table as soon as possible. South Africa associated itself with the statement on Kosovo by the Movement of Non-Aligned Countries.

92. Mr. LEGWAILA (Botswana) said that, although his delegation had voted in favour of the resolution, it wished to place on record its discomfort with paragraph 4 thereof. The Rambouillet document was beyond redemption, a victim of the tragic drama being played out before the eyes of the world.

93. Mr. SIMKHADA (Nepal) said that his Government was greatly concerned by the events in Kosovo: ethnic cleansing, large-scale killings, destruction of homes and property, and enforced mass exodus with destruction of citizenship documents. Attempts to alter the demographic equation forcibly on ethnic or religious grounds must be denounced in the strongest terms. His delegation called for a halt to repressive acts and the gross and systematic violations of human rights and reiterated its support for the right of all refugees and internally displaced persons to return to their homes in safety and dignity. It called for a peaceful and lasting settlement to the crisis in Kosovo within the framework of the Charter of the United Nations.

The meeting rose at 6 p.m.